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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,295	10/02/2000	Mathias Entenmann	35901.3	4137
27683 7590 08/14/2007 HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			EXAMINER TRAN, HAI	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 08/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/678,295

Applicant(s)

ENTENMANN, MATHIAS

Examiner

Hai Tran

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 9, 10, 12-19 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9, 10, 12-19 and 22-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the Amendment filed by the applicant on May 23, 2007, titled: "Method Of Effecting Cashless Payments And S System For Implementing The Method".
2. Claims 1-4, 7, 9, 10, 12-19 and 22-32 are pending in this application.

Priority

3. This application claims the benefit of PCT/ET00/00772 filed on February 1, 2000.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 7, 9, 10, 12-19 and 22-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 7, 9, 10, 12-19 and 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili (U.S. Patent No. 6,088,683) ("Jalili") in view of Musa (U.S. Patent No. 6,016,349) ("Musa").

7. **Regarding claim 1**, Jalili teaches a method of effecting a cashless payment transaction by means of a merchant station characterized by a merchant station identification code (col. 2, line 29, see merchant number), a mobile cell phone with a SIM card characterized by an identification code identifying the SIM card (col. 1, lines 63-64, see registration by phone and also Musa), and a comparing device (col. 1, line 36, see transaction processing center), which comprises a transaction data memory device, a merchant checking device for checking the identification codes of the merchant stations authorized for this method, and a subscriber checking device for checking the identification codes of the SIM cards authorized for this method and which is connected to account keeping device (col. 1, line 36, see transaction processing center), comprising the steps:

reading an amount of money to be paid into the merchant station (col. 2, lines 19-22),

transmitting, by the merchant station, the identification code of the merchant station and at least the amount of money to the comparing device through a data link (col. 2, lines 22-23, 28-31),

checking the authority of the merchant station for the method, using the merchant checking device (col. 2, lines 35-36, see merchant's name and identification number),

terminating the method in the absence of the authority, otherwise writing the data as an open transaction into the transaction memory device of the comparing device (col. 2, lines 31-32, see the invoice has a stated lifetime),

after the step of reading the amount of money into the merchant station, making a connection from the mobile cell phone to the comparing device (col. 2, lines 40-41),

transmitting the identification code of the merchant station (col.2, line 29) and the identification code associated with the SIM card from the mobile cell phone to the comparing device (col. 2, lines 31-39, also see Musa),

checking the authority of the SIM card for the method, using the subscriber checking device, in the absence of the authority terminating the method, clearing the open transaction from the transaction memory and the transmitting corresponding data to the merchant station, otherwise comparing the merchant station identification code transmitted from the mobile cell phone with those of the open transactions stored in the transaction memory device and on failure to find such a transaction terminating the process and, on finding the transaction (col. 2, lines 41-44, see the customer is identified by),

transmitting the transaction data to the mobile cell phone (col. 2, lines 49-52), outputting the data through the mobile cell phone (col. 2, lines 52-54), requesting confirmation information through the mobile cell phone (col.2 , lines 54-57),

transmitting the confirmation data to the comparing device (col. 2, lines 54-57), terminating the transaction and clearing the transaction from the transaction memory if the confirmation data corresponds to a refusal (col. 2, lines 62-64), and transmitting the transaction data from the transaction memory and the identification

code of the mobile cell phone to an account keeping device and clearing the transaction from the transaction memory in the alternative case (col. 3, lines 1-3); and

transmitting additional supplementary transaction data to the comparing device or mobile cell phone from the merchant station (col. 3, lines 3-6).

8. Jalili teaches a secure purchase transaction method using a telephone number. Jalili discloses all limitations of the invention, but does not disclose a cellular phone with a SIM card. However, Musa teaches a cellular phone which uses a smart card (see figure 1) that is characterized by an identification code identifying it (see Musa, col. 2, lines 45-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the home telephone in the Jalili's invention with the cellular phone with a SIM card taught by Musa to offer an improved and more convenient system to customer as described in Jalili that other variations and modifications will become apparent to those skilled in the art (col. 3, lines 33-37).

9. Claims 3, 18, and 19 are similar to claim 1 and have the same limitation. Hence, they are rejected under the same rationale provided in claim 1.

10. Claims 2, 4, 7, 9, 10, 12, 13-17, and 22-32 are the dependent claims of the above independent claims. Hence, they are rejected as well.

11. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as

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well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

12. Claims 1-4, 7, 9, 10, 12-19 and 22-32 are rejected.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7364.

The examiner can normally be reached on M-F, 9-4 PM.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

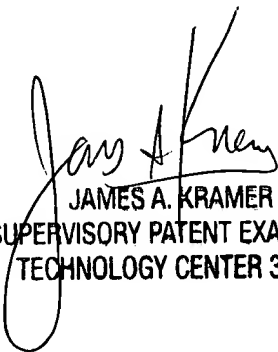
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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT

 8-8-07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600